IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 17662 of 2004

Between:

Indukuri Vara Prasad Raju S/o Late Venkataraju
D. No. 50-96/8/6, 2nd Floor, Seethammadhara,

North Extension, Visakhapatnam-13

..... PETITIONER

AND

1 The District Collector, Visakhapatnam
2 Revenue Divisional Officer, Narisipatnam, Visakhapatnam District
3 The Mandal Revenue Officer, S. Rayavaram, Visakhapatnam District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not selling or assigning for market value the Ac. 5.00 of Government poramboke land covered by Sy. No. 121, 125/1, situate in Sarvasiddi Village, S.Rayavaram Mandal, Visakhapatnam District, or to give the same for lease by converting them to ayan in spite of several oral requests and also the Written representation dated 8-11-1996 and 20-09-2004 as illegal, arbitrary, capricious and unwarranted and also in violation of BSO 15 and Article 21 of the Constitution of India and also in violation of principles of natural justice and consequently to direct the respondents to convert the poramboke land to

ayan and sell or assign for market value the Ac. 5.00 of land or to give the same on lease.

Counsel for the Petitioner:SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Admittedly, the lands, which were assigned to the three ryots, were said to have been purchased by the petitioner's father. On coming to know that the said purchase made by the petitioner's father is contrary to the conditions of assignment, the third respondent-Mandal Revenue Officer, S.Rayavaram, cancelled the provisional assignment made in favour of the vendors of the petitioner's father. In view of the same, the petitioner made a representation to the respondents for assigning the said lands in his favour or for selling the same to him for market value.

Admittedly, the petitioner is not a landless poor person since he is in possession of zeroithi land admeasuring Acs.7-62 cents, which was purchased under three sale deeds dated 21-07-1993, 30-08-1993 and 20-04-1995 as stated by him in the affidavit.

In view of the same, no mandamus can be issued for assigning the said lands to the petitioner. In the absence of any vested right conferred on the petitioner, he cannot insist that the said land should be sold to him unless the Government decides to dispose of the same on market value.

The writ petition is accordingly dismissed. No costs.

1st OCTOBER, 2004.

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To

1 The District Collector, Visakhapatnam
2 The Revenue Divisional Officer, Narisipatnam, Visakhapatnam District
3 The Mandal Revenue Officer, S. Rayavaram, Visakhapatnam District

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad (OUT)

5 Two CD copies.